

1 \_\_\_\_\_ BILL NO. \_\_\_\_\_

2 INTRODUCED BY \_\_\_\_\_  
3 (Primary Sponsor)

4 A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING ALLOWABLE USES OF GENERAL FUND  
5 APPROPRIATIONS MADE FOR COMMUNITY DEVELOPMENTAL DISABILITIES SERVICES; CREATING A  
6 GRANT PROGRAM FOR A PROVIDER OF COMMUNITY DEVELOPMENTAL DISABILITIES SERVICES;  
7 TRANSFERRING FUNDS; PROVIDING A STATUTORY APPROPRIATION; PROVIDING RULEMAKING  
8 AUTHORITY; AMENDING SECTIONS 17-7-502, 53-20-101, AND 53-20-204, MCA; AND PROVIDING AN  
9 IMMEDIATE EFFECTIVE DATE."

10  
11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

12  
13 NEW SECTION. **Section 1. Restriction on appropriations for community developmental**  
14 **disabilities services.** Any general fund money appropriated in a general appropriations act to match federal  
15 funds for services provided under the medicaid comprehensive home and community-based services waiver for  
16 people with developmental disabilities may be used only for the following purposes:

- 17 (1) waiver services for people with developmental disabilities; or
- 18 (2) the grant program provided for in [section 2].

19  
20 NEW SECTION. **Section 2. Grants for community-based facilities and services.** (1) The  
21 department shall make grants no later than October 1 each year from the special revenue subaccount provided  
22 for in [section 3(4)] to providers under contract with the department for community-based facilities or  
23 community-based services pursuant to this part.

24 (2) The department shall adopt rules establishing grant application requirements and the process for  
25 awarding grants.

26 (3) Grant funds may be used for the following purposes:

- 27 (a) acquisition, renovation, or maintenance of community-based facilities;
- 28 (b) staff training that exceeds the minimum training levels established by the department;

- 1 (c) staff retention and recruitment efforts, including but not limited to lump-sum payments based on:
- 2 (i) acceptance of employment;
- 3 (ii) longevity in employment; or
- 4 (iii) the complexity of the care provided;
- 5 (d) payment for medical equipment needed by a person with developmental disabilities but not
- 6 covered by medicaid; and
- 7 (e) other purposes involving community-based facilities or community-based services as established
- 8 by the department by rule.

9

10 **NEW SECTION. Section 3. Community developmental disabilities services special revenue**

11 **account and grant subaccount -- fund transfer -- statutory appropriations -- reports.** (1) There is a  
12 community developmental disabilities services special revenue account to the credit of the department  
13 consisting of general fund money appropriated to the department for the developmental services division and  
14 transferred annually by the state treasurer as specified in this section.

15 (2) (a) The state treasurer shall transfer the following amounts from the general fund into the special  
16 revenue account for the biennium beginning July 1, 2021:

- 17 (i) \$46,319,421 by July 15, 2021, for fiscal year 2022; and
- 18 (ii) \$47,630,491 by July 15, 2022, for fiscal year 2023.

19 (b) By July 15 in each subsequent fiscal year, the state treasurer shall transfer from the general fund  
20 into the special revenue account an amount equal to the amount transferred in fiscal year 2023 plus:

21 (i) the general fund share of any appropriation made for a provider rate increase for providers of  
22 community developmental disabilities services;

23 (ii) the general fund share of any appropriation made to increase the number of slots in the  
24 comprehensive home and community-based services waiver for people with developmental disabilities; and

25 (iii) any other funding made available for the waiver program through the general fund.

26 (c) Interest earned on money in the account must be deposited in the account.

27 (3) Except as provided in subsection (4), money in the account may be used only to pay for the state's  
28 share of services provided under the comprehensive home and community-based services waiver for people

1 with developmental disabilities.

2 (4) (a) There is a grant subaccount within the community developmental disabilities services special  
3 revenue account provided for in this section.

4 (b) The state treasurer shall transfer into the grant subaccount any money in the special revenue  
5 account that is not encumbered for the costs described in subsection (3) in the previous fiscal year. The  
6 transfer must occur by July 30 each year.

7 (5) Money in the community developmental disabilities services special revenue account is statutorily  
8 appropriated, as provided in 17-7-502, to the department for the purposes of subsection (3).

9 (6) Money in the grant subaccount is statutorily appropriated, as provided in 17-7-502, to the  
10 department for the grant program provided for in [section 2].

11

12 **Section 4.** Section 17-7-502, MCA, is amended to read:

13 **"17-7-502. Statutory appropriations -- definition -- requisites for validity.** (1) A statutory  
14 appropriation is an appropriation made by permanent law that authorizes spending by a state agency without  
15 the need for a biennial legislative appropriation or budget amendment.

16 (2) Except as provided in subsection (4), to be effective, a statutory appropriation must comply with  
17 both of the following provisions:

18 (a) The law containing the statutory authority must be listed in subsection (3).

19 (b) The law or portion of the law making a statutory appropriation must specifically state that a  
20 statutory appropriation is made as provided in this section.

21 (3) The following laws are the only laws containing statutory appropriations: 2-17-105; 5-11-120; 5-11-  
22 407; 5-13-403; 5-13-404; 7-4-2502; 10-1-108; 10-1-1202; 10-1-1303; 10-2-603; 10-2-807; 10-3-203; 10-3-310;  
23 10-3-312; 10-3-314; 10-3-802; 10-3-1304; 10-4-304; 15-1-121; 15-1-218; 15-31-1004; 15-31-1005; 15-35-108;  
24 15-36-332; 15-37-117; 15-39-110; 15-65-121; 15-70-101; 15-70-130; 15-70-433; 16-11-119; 16-11-509; 17-3-  
25 106; 17-3-212; 17-3-222; 17-3-241; 17-6-101; 17-7-215; 18-11-112; 19-3-319; 19-3-320; 19-6-404; 19-6-410;  
26 19-9-702; 19-13-604; 19-17-301; 19-18-512; 19-19-305; 19-19-506; 19-20-604; 19-20-607; 19-21-203; 20-8-  
27 107; 20-9-534; 20-9-622; 20-9-905; 20-26-617; 20-26-1503; 22-1-327; 22-3-116; 22-3-117; 22-3-1004; 23-4-  
28 105; 23-5-306; 23-5-409; 23-5-612; 23-7-301; 23-7-402; 30-10-1004; 37-43-204; 37-50-209; 37-54-113; 39-71-

1 503; 41-5-2011; 42-2-105; 44-4-1101; 44-12-213; 44-13-102; 50-1-115; 53-1-109; 53-6-148; 53-9-113; section  
 2 3; 53-24-108; 53-24-206; 60-11-115; 61-3-321; 61-3-415; 67-1-309; 69-3-870; 69-4-527; 75-1-1101; 75-5-  
 3 1108; 75-6-214; 75-11-313; 75-26-308; 76-13-151; 76-13-150; 76-17-103; 76-22-109; 77-1-108; 77-2-362; 80-  
 4 2-222; 80-4-416; 80-11-518; 80-11-1006; 81-1-112; 81-1-113; 81-7-106; 81-7-123; 81-10-103; 82-11-161; 85-2-  
 5 526; 85-20-1504; 85-20-1505; [85-25-102]; 87-1-603; 90-1-115; 90-1-205; 90-1-504; 90-6-331; and 90-9-306.

6 (4) There is a statutory appropriation to pay the principal, interest, premiums, and costs of issuing,  
 7 paying, and securing all bonds, notes, or other obligations, as due, that have been authorized and issued  
 8 pursuant to the laws of Montana. Agencies that have entered into agreements authorized by the laws of  
 9 Montana to pay the state treasurer, for deposit in accordance with 17-2-101 through 17-2-107, as determined  
 10 by the state treasurer, an amount sufficient to pay the principal and interest as due on the bonds or notes have  
 11 statutory appropriation authority for the payments. (In subsection (3): pursuant to sec. 10, Ch. 360, L. 1999, the  
 12 inclusion of 19-20-604 terminates contingently when the amortization period for the teachers' retirement  
 13 system's unfunded liability is 10 years or less; pursuant to sec. 73, Ch. 44, L. 2007, the inclusion of 19-6-410  
 14 terminates contingently upon the death of the last recipient eligible under 19-6-709(2) for the supplemental  
 15 benefit provided by 19-6-709; pursuant to sec. 27, Ch. 285, L. 2015, and sec. 1, Ch. 292, L. 2015, the inclusion  
 16 of 53-9-113 terminates June 30, 2021; pursuant to sec. 6, Ch. 291, L. 2015, the inclusion of 50-1-115  
 17 terminates June 30, 2021; pursuant to sec. 5, Ch. 383, L. 2015, the inclusion of 85-25-102 is effective on  
 18 occurrence of contingency; pursuant to sec. 6, Ch. 423, L. 2015, the inclusion of 22-3-116 and 22-3-117  
 19 terminates June 30, 2025; pursuant to sec. 33, Ch. 457, L. 2015, the inclusion of 20-9-905 terminates  
 20 December 31, 2023; pursuant to sec. 12, Ch. 55, L. 2017, the inclusion of 37-54-113 terminates June 30, 2023;  
 21 pursuant to sec. 4, Ch. 122, L. 2017, the inclusion of 10-3-1304 terminates September 30, 2025; pursuant to  
 22 sec. 55, Ch. 151, L. 2017, the inclusion of 30-10-1004 terminates June 30, 2021; pursuant to sec. 1, Ch. 213, L.  
 23 2017, the inclusion of 90-6-331 terminates June 30, 2027; pursuant to secs. 5, 8, Ch. 284, L. 2017, the  
 24 inclusion of 81-1-112, 81-1-113, and 81-7-106 terminates June 30, 2023; pursuant to sec. 1, Ch. 340, L. 2017,  
 25 the inclusion of 22-1-327 terminates July 1, 2023; pursuant to sec. 10, Ch. 374, L. 2017, the inclusion of 76-17-  
 26 103 terminates June 30, 2027; pursuant to sec. 5, Ch. 50, L. 2019, the inclusion of 37-50-209 terminates  
 27 September 30, 2023; pursuant to sec. 1, Ch. 408, L. 2019, the inclusion of 17-7-215 terminates June 30, 2029;  
 28 pursuant to secs. 11, 12, and 14, Ch. 343, L. 2019, the inclusion of 15-35-108 terminates June 30, 2027;

1 pursuant to sec. 7, Ch. 465, L. 2019, the inclusion of 85-2-526 terminates July 1, 2023; and pursuant to sec. 5,  
2 Ch. 477, L. 2019, the inclusion of 10-3-802 terminates June 30, 2023.)"

3

4 **Section 5.** Section 53-20-101, MCA, is amended to read:

5 **"53-20-101. Purpose.** The purpose of this ~~part~~chapter is to:

6 (1) secure for each person who may be a person with developmental disabilities ~~such the~~the treatment  
7 and habilitation ~~as will be~~ suited to the needs of the person and to ~~assure~~ensure that ~~such the~~the treatment and  
8 habilitation are skillfully and humanely administered with full respect for the person's dignity and personal  
9 integrity;

10 (2) accomplish this goal whenever possible in a community-based setting;

11 (3) accomplish this goal in an institutionalized setting only when less restrictive alternatives are  
12 unavailable or inadequate and only when a person is so severely disabled as to require institutionalized care;  
13 ~~and~~

14 (4) ~~assure~~ ensure that due process of law is accorded any person coming under the provisions of this  
15 ~~part~~ chapter; and

16 (5) ensure that appropriations made for community services for people with developmental disabilities  
17 are used only to pay for or support those services."

18

19 **Section 6.** Section 53-20-204, MCA, is amended to read:

20 **"53-20-204. Rules.** (1) The department may adopt rules necessary for the proper administration of  
21 this part, including but not limited to rules for grant applications submitted pursuant to [section 2] and the criteria  
22 for grant awards.

23 (2) The department shall adopt rules in cooperation with the board of nursing under which a properly  
24 trained staff member of a facility providing services to persons with developmental disabilities under this part  
25 may assist and supervise a client of the facility in taking medication if the medication is usually self-  
26 administered and if a physician has prescribed the assistance."

27

28 NEW SECTION. **Section 7. Codification instruction.** [Sections 1 through 3] are intended to be

1 codified as an integral part of Title 53, chapter 20, part 2, and the provisions of Title 53, chapter 20, part 2,  
2 apply to [sections 1 through 3].

3

4 NEW SECTION. **Section 8. Effective date.** [This act] is effective on passage and approval.

5

- END -